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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTE SHEPHERD,

Defendant.

CASE NO. 2:24-CR-00083-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
STIPULATION TO SET PRETRIAL MOTIONS
DEADLINE AND BRIEFING SCHEDULE;
FINDINGS AND ORDER

DATE: May 16, 2024

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 16, 2024.
2. By this stipulation, defendant now moves to continue the status conference until August 15, 2024, at 9:00 a.m., and to exclude time between May 16, 2024, and August 15, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Defense counsel intends to file a motion to suppress.
 - b) Defense counsel desires time to prepare and file said pretrial motions. In addition to preparing for pretrial motions, defense counsel is also reviewing discovery and conducting defense investigation.

1 c) Defense counsel believes that failure to grant the above-requested continuance
2 would deny him the reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 *et seq.*, within which trial must commence, the time period of May 16, 2024 to August 15, 2024,
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
11 because it results from a continuance granted by the Court at defendant's request on the basis of
12 the Court's finding that the ends of justice served by taking such action outweigh the best interest
13 of the public and the defendant in a speedy trial.

14 g) Moreover, the parties hereby agree and stipulate that pursuant to Federal Rule of
15 Criminal Procedure 12(c)(1), the Court set the following briefing schedule: (i) defense shall file
16 all pretrial motions other than motions *in limine* no later than June 17, 2024; (ii) the
17 government's oppositions or statements of non-opposition shall be filed no later than July 17,
18 2024; (iii) defense reply briefs, if any, shall be filed no later than July 31, 2024; and (iv) the
19 motions shall be heard, if the Court holds a hearing, on August 15, 2024.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.
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1 Dated: May 8, 2024

PHILLIP A. TALBERT
United States Attorney

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3 /s/ R. ALEX CARDENAS
R. ALEX CARDENAS
Assistant United States Attorney

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5 Dated: May 8, 2024

6 /s/ Douglas J. Beevers
Douglas J. Beevers
Counsel for Defendant
MONTE SHEPHERD

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10 **ORDER**

11 IT IS SO FOUND AND ORDERED this 8th day of May, 2024.

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13 /s/ Daniel J. Calabretta
14 THE HONORABLE DANIEL J. CALABRETTA
15 UNITED STATES DISTRICT JUDGE
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